

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N.C.

REGULAR MEETING:

17 MAY 2005

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were Ed Kitchen, City Manager; Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence. The Mayor recognized the Junior Vice Commander of the Veterans of Foreign Wars Post 2087, who led the Pledge of Allegiance to the Flag.

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The City Manager recognized Wendy Gregory, employee with the Guilford Metro 9-1-1 Department, who served as courier for the meeting.

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Mayor Holliday outlined the procedure for conduct of the meeting.

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Councilmember Johnson expressed her resolve to honor military personnel for their extraordinary sacrifices and encouraged citizens to observe Armed Forces Day on May 21, 2005.

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City Manager Kitchen presented Rick Lusk, Finance Department Director, with a Certificate of Achievement for Excellence in Financial Reporting. He stated this was the 30th consecutive year Greensboro had received this award, which signified the highest level of recognition and placed the City among the top cities ranked nationally for financial reporting excellence. He expressed appreciation to Finance Department Staff for their excellent work.

Mr. Lusk expressed appreciation to and recognized the following Finance Department Staff who were in attendance at the meeting and had been involved in preparing the 2005 report: Marlene Druga, Bonnie Harvell, Patti Elwood, Sherri Carson, Susan Wuchae, Anita Wilson, Jim Holfield and Greg Jenkins.

On behalf of Council, Mayor Holliday expressed appreciation for the Department's excellence.

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The City Manager stated he would present the Budget Estimate for FY 2005-06. He explained that allocation of the City's resources on behalf of citizens was one of the most important duties of the City Manager and City Council and noted that his presentation would include a budget recommended for adoption for FY 2005-06 and a projected budget for 2006-07, which would not be adopted during the current budget cycle.

The Manager spoke to his involvement in the budget process over the past two decades and noted the significant change in the economy in Greensboro and nationally over the past decade. He provided a power point presentation during which he discussed challenges, strategies, specific areas of service, and proposed tax rates involved in the recommended budget.

City Manager Kitchen emphasized the need for continued tax base growth which served as the major source of revenue for the general fund portion of the budget and funded the basic services received by citizens, such as fire, police protection, water and sewer, solid waste disposal, etc. He spoke to details of the growth of the tax base since 1996, the decline in the growth rate over the past three years, and the projected growth rate for this budget in context with the tax revaluation and change in distribution method from per capita to ad valorem implemented in the preceding year.

Noting increased costs in fuel, construction materials, health insurance, etc., the Manager spoke to the impact of inflation on the City's basic service delivery capabilities and advised that a tax increase was necessary to continue to provide a high level of service to citizens. After he outlined strategies for continued efficiency in operations, sound financial management, and control over infrastructure to address this factor, the Manager advised that stronger economic growth was needed to enhance the tax base.

After speaking to the history of water and sewer policies, annexation policies and water resources capacity development, the Manager stated that due to various changes with respect to incorporation of areas surrounding Greensboro since the establishment of the original basic water and sewer agreement/policy between the City and Guilford County 35 years ago, this agreement did not match the Greensboro 2025 Connections Comprehensive Plan's design to guide growth management and land use. He advised that in the upcoming budget work sessions he would propose changes to expand the current annexation boundary line adopted previously by Council and stated that economic incentive strategies for targeted areas would also be proposed.

The City Manager outlined the proposed budget of \$351.6 million with regard to Economic Development, Public Safety, Environmental Services, and Water and Sewer services. He stated that in order to build new fire stations for expanded City areas, bond items would be proposed for 2006; spoke to plans for staffing and funding positions in the future in the Fire and Police Departments; provided details with regard to the financial impact of the shift from landfill to transfer station for solid waste disposal; and noted that an approximate 10% increase in the water and sewer rate would be proposed to take effect in January of 2006 to address the need for continuing investment in water resources operations and infrastructure updates. The City Manager advised that future construction of facilities for water treatment at Randleman Dam would also be necessary.

Other highlights of the proposed budget noted by the Manager included funding for neighborhood small capital projects, Coliseum renovations, improvements to the Bryan Enrichment Center, replacement of selected greens on Bryan Park's players course, Phase 2 of the Parks & Recreation Master Plan, Library renovations and new facilities, neighborhood development and transportation infrastructure needs.

After mentioning possible funding of several potential downtown enhancement projects, the City Manager emphasized that this was the time to begin preparation work on the proposed 2006 bond referendum; he emphasized the importance of supporting funds for additional fire stations. City Manager Kitchen stated that discussion would be held later with regard to the use of general obligation bonds in other communities to finance economic development and Council's interest in that option.

The Manager outlined the breakdown of the current and proposed tax rate and stated that the net result would be a one cent increase. He noted that the proposed tax rate increase would increase the transportation fund balance and explained that this would proactively address current federal funding uncertainties.

After the City Manager listed the dates of upcoming budget work sessions, the public hearing and Council's consideration of the adoption of the budget, he advised the public and media on how to obtain budget information.

The Manager commended Larry Davis, Budget and Evaluation Department Director, and his staff for their work on this budget. Mr. Davis thereupon provided copies of the proposed budget to Council and the Clerk.

In conclusion, the Manager noted that the benefits of economic growth and growth in the tax base could be realized in a few years if new policies were developed at this time.

After Councilmember Johnson spoke briefly to police positions added to the prior year budget, the

Manager discussed relative details of the process of police recruitment and training.

During discussion, the City Attorney spoke to the time line of a law suit between other parties that could potentially negatively impact the City's budget some time in the future.

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After the Mayor expressed his interest in discussing with Council the possibility of requesting from the State of North Carolina a reversal of the ad valorem sales tax to a per capita basis, Councilmember Perkins noted he was in favor of the present ad valorem tax allocation system. The Manager stated this could be discussed in an upcoming work session.

(A copy of the City Manager's power point budget presentation is filed in Exhibit #P, Exhibit Drawer #8 and is hereby referred to and made a part of the minutes.)

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Mayor Holliday introduced a resolution directing the filing with the City Clerk of the Budget Estimate for Fiscal Year 2005-06.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

107-05 RESOLUTION DIRECTING THE FILING WITH THE CITY CLERK OF THE BUDGET ESTIMATE
FOR THE FISCAL YEAR 2005-06

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The budget estimate of the City of Greensboro for the fiscal year beginning July 1, 2005, which was this day submitted to the City Council, is hereby ordered filed with the City Clerk where it shall remain for public inspection for at least ten days from this date.

Section 2. A copy of said budget estimate shall be made available to all news media in the County.

Section 3. This resolution shall be published in at least one newspaper published in the city and shall serve as notice that the budget estimate has been presented to the City Council, that a copy of same is on file for public inspection in the office of the City Clerk, and as notice of the time and place of the public hearing as set out below.

Section 4. A public hearing shall be held in the City Council Chamber at 6:00 p.m. on May 24, 2005, at which time the City Council will hear from any persons who may wish to be heard on the budget.

(Signed) Sandy Carmany

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution approving the exchange of property with the Veterans of Foreign Wars Post 2087. Assistant City Manager Robert "Bob" Morgan, stated staff recommended the property exchange.

After the Mayor asked if anyone present wished to speak to this matter and no one present indicated a desire to speak, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

108-05 RESOLUTION APPROVING THE EXCHANGE OF PROPERTY WITH THE VETERANS OF

FOREIGN WARS POST 2087

WHEREAS, The City of Greensboro is the owner of property located at 2605 S. Elm-Eugene Street, Tax Map 269-3-2, as shown on attached map #491, which is the old Fire Station #11;

WHEREAS, VFW Post 2087 is the owner of property located at 611 Homeland Avenue, Tax Map 27-8-16, as shown on attached map #490, located across from the Sanford Smith Building which houses City employees;

WHEREAS, in an effort to reduce on street parking by employees working at the Smith Building, the City approached the VFW Post about leasing the parking lot, at which time the VFW Post expressed an interest in acquiring the former Fire Station #11 property located on S. Elm-Eugene Street which has been on the market for close to two years;

WHEREAS, the City had separate and independent appraisals performed on both parcels, said appraisals for each were very close;

WHEREAS, in the opinion of City Council, the best interest of the City will be served by exchanging property, as above set out with the VFW Post 2087.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the even exchange of the above-mentioned property with VFW Post 2087, as above set out, is hereby authorized, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the necessary deeds to carry the exchange into effect.

(Signed) Yvonne Johnson

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Moving to the Consent Agenda, Councilmember Bellamy-Small moved adoption of the ordinances, resolutions and motions on the Consent Agenda. The motion was seconded by Councilmember Vaughan; the Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

109-05 RESOLUTION AUTHORIZING THE SALE OF PROPERTY OWNED BY THE CITY LOCATED AT 1946-1952 EAST MARKET STREET TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY 29 BRIDGE PROJECT

WHEREAS, the City of Greensboro owns residual property located at 1946-1952 East Market Street at Tax Map Number 100-1-17, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, the North Carolina Department of Transportation has offered to purchase said property for the construction of a bridge at U.S. Highway 29 and East Market Street for the amount of \$20,975.00, which amount, in the opinion of the City Council, is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$20,975.00 is hereby approved and the sale of land to the North Carolina Department of Transportation is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) T. Dianne Bellamy-Small

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05-101 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS
AND RECREATION 2005 MUSIC FOR A SUNDAY EVENING IN THE PARK CONCERT SERIES

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5096-01.5413	Consultant Services	\$ <u>21,500</u>
Total		\$ 21,500

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5096-01.8620	Donations & Private Contributions	\$ <u>21,500</u>
Total		\$ 21,500

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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05-105 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR
CONTINUATION OF THE METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follow:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.5239	Miscellaneous	<u>\$280,000</u>
TOTAL:		\$280,000

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.7100	Federal Grant	<u>\$280,000</u>
TOTAL:		\$280,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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05-106 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF HOMELAND SECURITY GRANT FUNDS FOR EQUIPMENT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3504-01.6051	Licensed Vehicles	\$150,000
220-3504-01.6059	Other Capital Equipment	\$150,000
220-3504-01.5235	Small Tools and Equipment	<u>\$ 8,000</u>
TOTAL:		\$308,000

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3504-01.7100	Federal Grant	<u>\$308,000</u>
TOTAL:		\$308,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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110-05 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL FOR SERVICE TO 19 WINDSOR CASTLE

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, the owner of property located at 19 Windsor Castle has requested an adjustment to the water bill;

WHEREAS, a work order conflict resulted in failure to reset billing records when a meter was replaced;

WHEREAS, it has been determined that \$29,668 represents the rebate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill for service to 19 Windsor Castle by \$29,668.

(Signed) T. Dianne Bellamy-Small

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111-05 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL FOR SERVICE TO 3206 EAST LEE STREET

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, the owner of property located at 3206 East Lee Street has requested an adjustment to the water bill;

WHEREAS, the account was set up with incorrect meter register information;

WHEREAS, it has been determined that \$36,065.08 represents the rebate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill for service to 3206 East Lee Street by \$36,065.08.

(Signed) T. Dianne Bellamy-Small

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112-05 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH NORTH CAROLINA RAILROAD COMPANY AND NORFOLK SOUTHERN RAILWAY COMPANY FOR THE FRANKLIN BOULEVARD AT BURLINGTON ROAD PROJECT

WHEREAS, with regard to the improvements to Franklin Boulevard as part of the 2000 Transportation Bond Program, it is necessary for the City of Greensboro, North Carolina Railroad Company and Norfolk Southern Railway Company to enter into an Encroachment Agreement before proceeding with the advertisement and award of a construction contract;

WHEREAS, North Carolina Railroad Company and Norfolk Southern Railway Company have agreed to enter into an Agreement, with indemnities, granting the City the right to proceed with the work;

WHEREAS, it is deemed in the best interest of the City to enter into an Encroachment Agreement with North Carolina Railroad Company and Norfolk Southern Railway Company in accordance with the terms and conditions therein and such Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate Encroachment Agreement with North Carolina Railroad Company and Norfolk Southern Railway Company all in accordance with the terms and conditions set out therein.

(Signed) T. Dianne Bellamy-Small

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113-05 RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 2108 COLSON STREET OWNED BY THE CITY OF GREENSBORO

WHEREAS, the City of Greensboro owns residual property located at 2108 Colson Street at Tax Map Number 133-2-3, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Urban South, Inc. has offered to purchase a portion of said property for the amount of \$13,310, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$13,310 is hereby approved and the sale of land to Urban South, Inc. is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) T. Dianne Bellamy-Small

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114-05 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at the March 1st meeting of the City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) T. Dianne Bellamy-Small

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115-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE UTILITY CONTRACTOR, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "E" PROJECT

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene Utility Contractor, Inc. provides for the rehabilitation of 12,049 linear feet of sewer line by sliplining in various locations around the city;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a change order in the contract in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene Utility Contractor, Inc. for the sanitary sewer rehabilitation project "E" project is hereby authorized at a total cost of \$500,000, payment of said additional amount to be made from Account No. 503-7014-02.6017 Activity 05079.

(Signed) T. Dianne Bellamy-Small

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116-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2004-010 WITH M&M BUILDERS, INC. FOR THE HUGH MEDFORD SERVICE CENTER – TRUCK WASH PROJECT

WHEREAS, Contract No. 2004-010 with M&M Builders, Inc. provides for the building of a new Truck Wash for the city fleet and creating a new entrance from Patton Avenue into the Service Center area;

WHEREAS, during the course of construction, unsuitable field conditions were discovered by the City's testing agency which resulted in the removal of significant amounts of unforeseen and unsuitable subsurface material, thereby necessitating a change order in the contract in the amount of \$24,163.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with M&M Builders, Inc. for the Hugh Medford Service Center – Truck Wash Improvements is hereby authorized at a total cost of \$24,163.00, payment of said additional amount to be made from Account No. 436-2533-01.6013 Activity #98014.

(Signed) T. Dianne Bellamy-Small

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117-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-19 WITH ENVIRONMENTAL PIPELINE REHABILITATION, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "F" PROJECT

WHEREAS, Contract No. 2000-19 with Environmental Pipeline Rehabilitation, Inc. provides for the rehabilitation of 6,005 linear feet of sewer line by pipe bursting in various locations around the city;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" on an annual basis from the award date, thereby necessitating a change order in the contract in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Environmental Pipeline Rehabilitation, Inc. for the sanitary sewer rehabilitation project "F" improvements is hereby authorized at a total cost of \$500,000, payment of said additional amount to be made from Account No. 503-7014-02.6017 Activity 05079.

(Signed) T. Dianne Bellamy-Small

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A motion to approve report of budget adjustments covering period of April 1-30, 2005 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1 and is hereby referred to and made a part of the minutes.)

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A motion to approve minutes of special meeting of May 3, 2005 was unanimously adopted.

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Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to administration- speakers from the floor. He stated the ordinance was being heard for a second reading after receiving five affirmative votes at the regular meeting of May 3, 2005.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Johnson, Perkins and Vaughan. Noes: Carmany, Gatten, Holliday and Phillips.

05-107 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MEETINGS

BE IT ORDAINED BY THE CITY COUCNIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Section 2-16. Regular meetings.

Speakers from the floor will be heard for 30 minutes at the beginning of each meeting.

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective May 31, 2005.

(Signed) Yvonne Johnson

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The Mayor introduced a resolution providing for the giving of notice to voters of the City of Greensboro of

the 2005 Biennial Municipal Election and establishing a filing fee in relation thereto.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

118-05 RESOLUTION PROVIDING FOR THE GIVING OF NOTICE TO VOTERS OF THE CITY OF GREENSBORO OF THE 2005 BIENNIAL MUNICIPAL ELECTION AND ESTABLISHING A FILING FEE IN RELATION THERETO

WHEREAS, in order that registered voters of the City of Greensboro may be appropriately notified of the forthcoming biennial municipal election, the City Council shall give notice of such election in accordance with the City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That the City Clerk be and she is hereby directed to publish this resolution which shall serve as notice of the regular biennial municipal election for Mayor and City Council to be held on Tuesday, the 8th day of November, 2005. And as notice of the primary election to be held on Tuesday, the 11th day of October, 2005.

Section 2. That all persons desiring to enter the said primary election shall file notice of their candidacy with the Guilford County Board of Elections; provided, no person may officially file his notice of candidacy before 12:00 noon on the 1st day of July, 2005, nor after 12:00 o'clock noon on the 5th day of August, 2005, said notice of candidacy to be filed as prescribed by Chapter 163, Section 294.2 of the General Statutes of North Carolina.

Section 3. That, with respect to the seats apportioned to the City at large, only persons who are registered to vote in the City of Greensboro shall be permitted to file notice of candidacy for election to municipal office; provided, that with respect to the seat apportioned to each district within the City, only persons who are registered to vote in the City of Greensboro and who reside within the particular district for which seat they file shall be permitted to file notice of candidacy for election to municipal office. The provision of G.S. 163-294.2(b) shall be applicable.

Section 4. That at the time of filing a notice of candidacy, each candidate for City Council shall pay to the Guilford County Board of Elections a filing fee in the amount of \$25.00 and each candidate for Mayor shall pay to the Guilford County Board of Elections a filing fee in the amount of \$75.00.

Section 5. That registration for the municipal primary election closes at 5:00 p.m. on the 16th day of September, 2005, and registration for the municipal general election closes at 5:00 p.m. on the 14th day of October, 2005.

Section 6. That this resolution shall be published one time after June 1, 2005, but no later than June 14, 2005, as notice of the biennial municipal election to be held in 2005, and a certified copy of this resolution shall be filed with the Guilford County Board of Elections as notice to conduct said municipal election as required by law.

(Signed) Florence Gatten

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Mayor Holliday introduced a resolution authorizing the submission of Greensboro Senior High School for listing on the National Register of Historic Places.

Following brief discussion, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

119-05 RESOLUTION SUPPORTING THE NOMINATION OF GREENSBORO SENIOR HIGH SCHOOL TO

THE NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, the historic resource known as Greensboro Senior High School is under consideration for nomination to the National Register of Historic Places;

WHEREAS, the National Register is the nation's official list of historic buildings, districts, archaeological sites, and other resources worthy of preservation;

WHEREAS, Greensboro Senior High School possesses local significance in the areas of education and architecture;

WHEREAS, the Greensboro Historic Preservation Commission, in accordance with its responsibility to review proposed National Register nominations under the Certified Local Government Program, has determined that the nomination meets the criteria for listing in the National Register of Historic Places;

WHEREAS, opportunity for public comment has been adequately provided.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Greensboro City Council, in recognizing the need to preserve properties and areas that embody important elements of the community's architectural and cultural heritage, hereby supports the nomination of Greensboro Senior High School to the National Register of Historic Places.

We, the Greensboro City Council, have reviewed and discussed the nomination of Greensboro Senior High School and find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore recommend that the property be submitted for listing in the Register.

(Signed) Donald R. Vaughan

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The Mayor introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration to set a special Council meeting for May 24, 2005 to conduct a public hearing on the FY 2005-2006 Annual Budget.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05- 108 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by setting a special meeting of the City Council in the City Council Chamber in the Melvin Municipal Office Building located at 300 West Washington Street, Greensboro, North Carolina, for 6:00 p.m. on May 24, 2005, for the purpose of conducting a public hearing for the budget.

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance is effective immediately upon adoption.

(Signed) Florence F. Gatten

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After Mayor Holliday introduced a resolution creating the Bicentennial Commission, Councilmember Johnson moved its adoption. The motion was seconded by Councilmember Burroughs-White, the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

120-05 RESOLUTION CREATING THE BICENTENNIAL COMMISSION

WHEREAS, in August, 2003, a subcommittee of the Comprehensive Plan focused on the initiative to “Preserve and promote Greensboro’s historic resources and heritage” comprised of city staff that deals with historic sites and programs, as well as marketing and public relations, met for the first time;

WHEREAS, in 2004, Mayor Holliday initiated a preliminary planning group to meet in order to discuss the organizational make-up and overall focus of a proposed Bicentennial Commission;

WHEREAS, the goal of this preliminary planning group was to provide the framework for the Bicentennial Commission and to develop the overall focus and purpose of said Commission;

WHEREAS, the work has been completed and outlined in the Bicentennial Planning Commission Summary presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a Bicentennial Commission is hereby created in accordance with the Bicentennial Planning Committee Summary presented herewith this day.

(Signed) Yvonne Johnson

.....

The Mayor introduced a resolution approving updated Economic Development Incentive Guidelines.

Councilmember Phillips expressed opposition to the proposed shift in policy from incentives tied into generation of property tax or new tax generation to incentives tied into paying for jobs that then bring in projected sales tax revenue. Councilmember Johnson expressed her views with respect to the severity of unemployment and the need to create new jobs. Councilmember Carmany expressed concern with respect to proposed shift in policy to include some retail projects. Noting that the policy standards were last revised in 1993, Councilmember Perkins shared his opinion that Greensboro’s need to compete regionally and globally justified the proposed policy changes. Councilmember Burroughs-White noted that the City Manager had outlined economic development as a major priority.

The City Attorney stated that the provision for retail development stipulated commercial enterprise, which involved more than one store. During additional discussion, Assistant City Manager for Economic Development Ben Brown stated that the Greensboro Economic Development Partnership had conducted studies several years ago to identify the business clusters most likely to locate or expand in Greensboro.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following vote: Ayes: Bellamy-Small, Burroughs-White, Gatten, Holliday, Johnson, Perkins, and Vaughan. Noes: Carmany and Phillips.

121-05 RESOLUTION APPROVING UPDATED ECONOMIC DEVELOPMENT INCENTIVE GUIDELINES

WHEREAS, the City's Economic Development Program (Financial Assistance Guidelines) were last revised in 1996;

WHEREAS, the purpose of this program is to assist in creating new full-time employment, retaining existing jobs and increasing the tax base throughout the City and is consistent with the provisions of North Carolina General Statute 158-7.1;

WHEREAS, the updated Economic Development Program (Financial Assistance Guidelines) is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the updated Economic Development Program (Financial Assistance Guidelines) presented herewith this day is hereby approved.

(Signed) Claudette Burroughs-White

(A copy of the policy is filed with the above resolution and is hereby referred to and made a part of the minutes.)

.....

Mayor Holliday introduced an ordinance amending Chapter 13 of the Greensboro Code of Ordinances with respect to License, Taxation and Miscellaneous Business Regulation-Special Events and so that these matters could be discussed together, an ordinance amending Chapter 26 of the Greensboro Code of Ordinances with respect to Streets and Sidewalks.

Assistant City Manager Brown stated staff had received input from Council at a briefing session with regard to proposed changes to the time line for processing special events permits. He explained that Council had recommended increasing the time line from application to event to 60 days and that upon further evaluation, staff recommended a 90 day period to allow more effective allocation of police and other resources. The City Attorney advised that the ordinance for Council's consideration stipulated a 60 day period for the time line for the total application and permit process and stated an amendment to the ordinance as proposed would be necessary if they wished to increase the period.

Captain Robbie Flynt, of the Greensboro Police Department, explained that the approval of permits would occur within the first 30 days, allowing another 60 days for organizations to schedule their special events. Captain Flynt stated that the current ordinance provided a 72 hour time line, which in his opinion, was not sufficient for management of resources and coordination with Building Inspections, Fire and Transportation Departments.

Council discussed the possibility of changing the first 30 days of the 90 day period to 15 days. The City Attorney advised that a provision for 15 days would constitute 15 calendar days as opposed to 15 working days and stated that this period did not include an appeal process which would take additional time.

Councilmember Johnson moved to delete section 262 B and to change section 262 A to stipulate 15 days. The motion was seconded by Councilmember Burroughs-White.

Donna Gray, Community Relations Manager, emphasized the benefits of the proposed 30 day approval period in terms of allowing for neighborhood impact studies and multiple department coordination.

Following additional discussion, Councilmember Carmany moved that Councilmember Johnson's motion be amended to include that Section 262 A be amended to stipulate 15 working days. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Councilmember Johnson thereupon moved adoption of the ordinance amending Chapter 26 of the

Greensboro Code of Ordinances with respect to Streets and Sidewalks as amended. The motion was seconded by Councilmember Vaughan; the amended ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-110 AMENDING CHAPTER 26

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 26 of the Greensboro Code of Ordinances is hereby amended by adding new sections to read as follows:

Sec. 26-246. Purpose; Scope and Intent

- (a) Recognizing that special events enhance the quality of life for residents and visitors alike, it is the purpose of the City Council to establish a structured process for permitting the use of public facilities not otherwise covered in the City Code, including , but not limited to, adequate time for receiving and acting upon the application for the staging of outdoor special events conducted by the private sector to use city streets, facilities or services, or to conduct events that occupy, impact or consume public resources as a result of the congregation of people.
- (b) Given the close proximity of residential and commercial areas, the City Council must balance the quiet enjoyment of one's residence in relationship to the commercial purposes that sustain and promote our tourist economy and recover costs related to the event, such costs include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, park maintenance and restoration - including long-term degradation - and park monitoring.
- (c) It is the intent of the Council to recognize the rights of all citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating commercial special events that have an impact upon public facilities and services. Persons failing to secure such a permit under this article, however, will not be entitled to the benefits provided by this article, including but not limited to, the right to erect stages, ,barricades, utility poles, booths, tents, or other temporary structures, or the use of amplified devices, parked vehicles or of permanent structures, or to the assistance of city personnel in carrying out their event, or their exclusive or reserved use of the facility unless otherwise authorized by some other ordinance or law.

Sec. 26-247. Definitions

As used in this Article:

"Building" means any temporary or permanent structure as defined by the Greensboro Zoning Code or any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

"Commercial Special Event" means any special event organized and conducted by any person or entity that does not qualify as a tax-exempt non-profit organization.

"Demonstration" means any formation, procession or assembly of persons which, for the purpose of expressive activity, is:

- a. to assemble or travel in unison on any street in a manner that does not comply with normal or usual traffic regulations or controls; or
- b. to gather at a public park or other public area

"Event Organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or non-commercial Special Event.

"Expressive Activity" includes conduct, the sole or principal object of which is the expression dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature, and picketing.

"Facility Use Permit" means a permit issued under the authority of the City Manager for temporary or reserved use or occupation of a public facility or an area of public land, for a defined period of time and said use does not adversely impact city resources, due to the anticipated congregation of people in such numbers or in such location as identified.

"Festival" means a thematic, organized, site-specific celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, during which commerce occurs, for a defined period of time, advertised and promoted outside the City of Greensboro, that will have an impact on city resources, due to the anticipated congregation of people in such numbers or in such location as identified.

"Goods" means wares, personal property, merchandise or any other similar item or object than is generally sold.

"Gross Revenues" means the sum of all revenues received by an event organizer for a special event, including, but not limited to, cash receipts, licensing, sponsorship, television, advertising and similar revenues, and concessions.

"Non-Commercial Special Event" means any special event organized and conducted by a person or entity that qualifies as a tax-exempt non-profit organization.

"Parade" means any march, race, presentation, ceremony, pageant or procession of any persons and conveyances of any sort moving upon any public street or sidewalk of the city, which does not comply with normal traffic regulations.

"Sidewalk" means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

"Signage" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

"Special Event" can mean:

- a. any organized formation, parade, procession or assembly consisting of persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any Street which does not comply with normal or usual traffic regulations or controls; or,
- b. any organized assemblage, not meeting the criteria for a facilities use permit, of persons at any private or public property or public park which is to gather for a common purpose under the direction and control of a person; or,
- c. any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of City public safety services in response thereto.
- d. examples of Special Events include but not limited to filming, concerts, parades, circuses, fairs, festivals, block parties, community events, mass participation, sporting competition such as, marathons and running events, bicycle races or tours, or spectator sports such as, football, basketball and baseball games, or golf tournaments.

"Special Event Permit" means a permit issued under this Division.

"Special Event Venue" means that defined area identified on a submitted site plan approved by Special Events Coordinator for which a special event permit has been issued.

"Street" means a public right of way, or way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular or pedestrian travel. Street includes highways, alleyways, sidewalks and any other public area that accommodates vehicular or pedestrian traffic.

"Tax-exempt Non-profit Organization" means an organization that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six (6) months preceding the date of application for a special event permit.

"Vendor" means any person who sells or offers to sell, any goods, food, or beverages within a Special Event Venue, including the Event Organizer or any person who contracts with the event organizer for space within the Special Event Venue in order to vend goods.

Sec. 26-248. Special Event Permit Required; Facility Use Permits; Parade Permits.

- a. Except as provided in this division, no person or persons shall conduct, promote, manage, aid, or solicit attendance at a special event on public property or on private property, or on a combination of private and public property, any event of such magnitude as to impact public safety, traffic, or the health, safety and welfare of the residents or the invitees, unless that person shall have obtained a special event permit from the Special Events Coordinator, based upon a complete application detailing the particulars of the event.
- b. The City Special Events Coordinator, or designee, is authorized to recommend the granting of facility use permits and parade permits, and to determine when a proposed facility use rises to the level of a special event permit, based upon an evaluation of public impact or consumption of public resources, location, anticipated attendance, and purpose.
- c. The City Special Events Coordinator shall consider all Special Event Permits for events occurring within the city limits of the City pursuant to the procedures established in this Division. The Special Events Coordinator shall determine the special event venue, set reasonable boundaries, balancing the special event requirements and public health, safety, and welfare.
- d. The Special Events Coordinator shall coordinate the issuance of a special event permit with other public agencies through whose jurisdiction or property the event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved. The Special Events Coordinator is authorized to establish administrative and operational policies to issue both the Special Event Permit and the Facility Use Permit. On an annual basis, or as requested, the Manager shall report a listing of Facility Use Permits, Parade Permits and Special Event Permits to Council. Special Event Permits involving the occupation of a public street, except for temporary use of a public street for parade or facility use permit, in accordance with Section 26-4 of this Chapter, shall be approved by the Special Events Coordinator.
- e. Outdoor vending events permits, not associated with any special event, facility use or parade permit or noise variance request may be granted under the restrictions of Section 30-3-3.5 (Temporary Event Permit) of the Greensboro Code of Ordinance.
- f. All other licenses, permits and fees as required by Chapter 13 of the Greensboro Code of Ordinances.

Sec. 26-249. Exceptions to Special Event Permit Requirement

- a. A special event permit is not required for any activity listed in Section 26-230 (Pushcart Sales).
- b. Although not required to get a special event permit, an event organizer of an activity exempted pursuant to Section 26-196 (Exhibition Shows) and Section 26-230 (Pushcart Sales) is required to comply with general regulations governing public safety or health.

c. The following activities are exempt from the special event permit requirement:

- 1) funeral services and processions;
- 2) activities solely conducted by the City of Greensboro;
- 3) lawful picketing on sidewalks;
- 4) demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
 - a) no fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and,
 - b) the Special Events Coordinator is notified at least forty-eight (48) hours in advance of the commencement of the demonstration; and,
- 5) facilities use permit; and
- 6) outdoor vending license.

Sec. 26-250. Issuance of a Special Event Permit Does Not Obligate City Services.

- a. Issuance of a Special Event Permit does not obligate or require the City to provide City services, equipment or personnel in support of an event.
- b. City services, equipment, or personnel for commercial special events may be provided, based upon cost recovery.
- c. Cost recovery for non-commercial events may be waived only if the Council finds that a public purpose will be served. A public purpose is served if all four of the following factors are met:

- 1) the event is organized and conducted by a tax-exempt non-profit organization which operates from or provides services within the City of Greensboro or County of Guilford; and,
- 2) the event provides an identified benefit to the general public; and,
- 3) the event includes participation by the general public (notwithstanding an admission or participation fee); and,
- 4) provision of City services will result in improved crowd or event control and general public safety, and does not diminish or detract from the normal level of service for its citizens, based upon the evaluation, advice and approval of the Manager. .

Sec. 26-251. Priority of Special Event Permit Issuance.

Except for events sponsored by the City, which have first priority, and wherever possible, priority shall be given for the issuance of a special event permit to local tax-exempt non-profit organizations operating in and providing services to the citizens of the City of Greensboro or the County of Guilford. Except for events sponsored by the City, which have first priority, and whenever possible, priority shall be given for the issuance of a special event permit to larger acreage events over smaller acreage events. Priority shall be given for the issuance of special events that do not abut a residential area.

Sec. 26-252. Use of City Seal or Name.

The issuance of a permit shall not be considered an endorsement of a special event by the City of Greensboro. It shall be unlawful for any person to represent, hold out, promote or publish to another that the City name or City Seal is an endorsement of the event without specific City Council action authorizing such endorsement.

Sec. 26-253. Time for Filing Application for Special Event Permit or Facility Use Permit; Time Limit for Notifying Special Events Coordinator.

- a. Except for special events at the Greensboro Coliseum, an application for a special event permit shall be filed with the City Special Events Coordinator not less than sixty (60) calendar days, or thirty (30) days for a residential street closing, nor more than two (2) years, before the time when it is proposed to conduct the special event. The application shall be reviewed by such City Departments as designated by the Special Events Coordinator. Departmental comments shall be provided to the Special Events Coordinator.
- b. Applications for Facility Use Permits at City public facilities shall be submitted in accordance within the time limits and procedures established for such facilities.
- c. Any person organizing a demonstration shall notify the Special Events Coordinator not less than forty-eight (48) hours before the time when it is proposed to conduct the demonstration.

Sec. 26-254. When Application for Special Event Permit is Deemed Complete.

An application for a Special Event Permit is deemed completed when the applicant has provided all of the information required in Section 26-191 including a site plan and any additional information required by the City Special Events Coordinator, and the application has been approved by any City departments designated by the City Special Events Coordinator. The Special Events Coordinator shall return any incomplete application to the applicant.

Sec. 26-255. Date of Special Event Not Confirmed Until Permit Issued.

Notwithstanding the Special Events Coordinator's acceptance of a completed application, no date shall be considered confirmed until a Special Event Permit is issued at the direction of City Special Events Coordinator together with and any other documents deemed necessary. The Special Events Coordinator will require the applicant to demonstrate that the applicant has notified abutting property owners of the proposed time and place of the Special Event.

Sec. 26-256. Content of Special Event Permit Application.

The application for a Special Event Permit shall include the following, when applicable to the nature of the Event:

- a. the name, address and telephone number of the applicant; and,
- b. a certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the event; and,
- c. the name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any; and,
- d. if the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:
 - 1) authorizing the applicant to apply for the special event permit on its behalf; and,
 - 2) certifying that the applicant will be financially responsible for any costs or fees that may be

imposed for the event; and,

e. a copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt non-profit organization; and,

f. a statement of the purpose of the special event; and,

g. a statement of fees to be charged for the special event; and,

h. the proposed signage, boundaries, location, map, dates, times, routes, alternative routes, staging areas, reviewing, parking, or disbanding stands or areas and,

i. the approximate number of persons and kinds and number of animals, structures or vehicles that will participate in the special event, and the parking plan for the vehicle,

j. plan for trash removal

k. the number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise; and,

l. the number and location of portable sanitation facilities; and,

m. other equipment or services necessary to conduct the event with due regard for participant and public health and safety; and,

n. the number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for events using City streets, sidewalks, or facilities; and,

o. provisions for first aid or emergency medical services, or both, based on event risk factors; and,

p. insurance and surety bond information; and,

q. any special or unusual requirements that may be imposed or created by virtue of the proposed Event activity; and,

r. relevant information on the location, number and names of vendors, and the types of goods or services being intended to be marketed within the boundaries of the Special Event;

s. any other information required by the City Special Events Coordinator.

Sec. 26-257. Conditions Affecting the Issuance of a Special Event Permit.

a. The City Special Events Coordinator may recommend that the Manager, or designee, approve the issuance of a Special Event Permit, when all of the following conditions are met:

1) The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route, including specifically the displacement of vehicular parking into adjacent or neighboring commercial areas not part of the Venue, or into adjacent or neighboring residential areas.

2) The event will not cause a conflict with construction or development in the public right-of-way or at a public facility.

3) The event will not block traffic lanes or close streets during peak commuter hours on weekdays or weekends, as determined by the Special Events Coordinator.

4) The event will not require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the City.

5) The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.

6) The event will move from its assembly location to its disbanding location expeditiously and without stopping enroute.

7) The event will not substantially interfere with any other special event or demonstration for which a permit has already been granted or with the provision of City services in support of other scheduled events or unscheduled governmental functions such as visits of chiefs of state.

8) The event will not have unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue.

9) If the event is a marathon, it will not occur within thirty (30) calendar days of another marathon.

- b. To make the determination under this section, the Special Events Coordinator shall consider pedestrian and traffic circulation and parking, traffic volume and population density, time of year, and neighboring or adjacent zoning uses.

Sec. 26-258. Consideration of Approval and Reasons for Denial of a Special Event Permit.

The City Special Events Coordinator may deny a special event permit to an applicant who has not:

1) provided a sufficient traffic plan or for sufficient traffic controls by persons appropriately trained, certified or appointed pursuant to state law which enables the control of traffic; or,

2) provided for an adequate parking plan that does not displace vehicle into neighboring or adjacent non-participating commercial or residential areas; or

3) provided sufficient monitors and a security plan for crowd control and safety; or,

4) provided sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for public safety and sanitation; or,

5) provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or,

6) provided sufficient signage information upon which approval can be granted; or

7) met all of the requirements for submitting an application for a special event permit; or

8) provided the notice required under 26-255.

The City Special Events Coordinator may also deny a special event permit when:

- 1) due to the inadequate internal security or deficient security plan of the Event Organizer given the projected attendance, or the time, place or manner of conducting the event, the event will create the possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage; or,

- 2) the event may violate public health or safety laws; or,
- 3) the event fails to conform to the requirements of any law or,
- 4) the applicant demonstrates an inability or unwillingness to conduct an event pursuant to the terms and conditions of this division; or,
- 5) the applicant has failed to conduct a previously authorized or exempted special event in any jurisdiction in accordance with law or the terms of a permit, or both; or,
- 6) the applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or,
- 7) the applicant has failed to provide an adequate first aid or emergency medical services plan based on event risk factors;
- 8) the applicant has failed to comply with any term of this Division, or with any condition of a special event permit previously issued to the applicant.

Sec. 26-259. Denial of a Special Event Permit and appeal to the Review Committee.

To the extent the denial of a Special Events Permit is capable of appeal, any appeal permitted must be made in writing to the Review Committee, within thirty days of the adverse decision. The Review Committee shall include the City Manager or designee, the Chief of Police or designee, the Fire Chief or designee and the Tax Collector or designee.

Sec. 26-260. Display of Special Event Permit or Facility Use Permit is required.

A copy of the special event permit or facility use permit shall be displayed on location or in the special event venue in the method prescribed by the City Special Events Coordinator applicable to the particular event and shall be exhibited upon demand of any city official.

Sec. 26-261. Contents of Special Event Permit.

A special event permit shall always be accompanied by the site plan approved by the City Special Events Coordinator and shall contain the following information or conditions:

- a. the location of the special event venue, which may be identified by a map attached to the special event permit;
- b. the date, assembly area, time for assembly and starting time of the Special Event;
- c. the specific route plan to the special event;
- d. the minimum and maximum speeds of the special event;
- e. the number and types of persons, animals and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;
- f. the portion of the street and sidewalk that is to be occupied by the event and the location of reviewing or audience stands, if any;
- g. the number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer,

- h. the area and time for disbanding;
- i. conditions or restrictions on the use, sale or free distribution of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event,
- j. provisions for any required emergency medical services;
- k. the size, manufacturer and location of any temporary buildings or structures to be erected specifically for the Special Event and removed immediately following the special event;
- l. such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this division, including the requirement for the on-site presence of the event organizer or its designated representative for all event coordination and management purposes; and,
- m. As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions, which may include security deposits in an amount determined by the Special Events Coordinator, for cleaning-up the area or route of the event both during and upon completion of the event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the event.

Sec. 26-262. Special Events Coordinator's Action on Special Event Permit Application.

- a. The Special Events Coordinator shall recommend final action upon a completed application for a special event permit as soon as practicable, but no later than 15 working days from the receipt of a complete application.
- b. The Special Events Coordinator is not required to recommend final action on an incomplete or untimely Special Event Permit application.
- c. The Special Events Coordinator is not required to process more than one (1) application for a special event permit per applicant during any two-week period.
- d. The Special Events Coordinator is not required to recommend final action upon two (2) or more special event permit applications submitted by the same applicant unless two (2) or more weeks shall have elapsed between the respective dates of submission of each.
- e. Final action on a completed special event permit application shall consist of one (1) of the following:
 - 1) issuance of a special event permit in accordance with the terms of application;
 - 2) issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the Special Events Coordinator and the applicant, or,
 - 3) denial of the special event permit applications by the Special Events Coordinator, with the reason(s) for denial.

Sec. 26-263. Insurance Required to Conduct Special Event; Hold Harmless.

- a. The event organizer of a special event must possess or obtain comprehensive general liability insurance from no less than an A- Rated company to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Insurance coverage must be maintained for the duration of the event. Notice of cancellation shall be provided immediately to the City. When applicable, the City may require proof of workers compensation and auto liability insurance.
- b. Except as provided in Section 26-263(c), comprehensive general liability insurance coverage required by Section 26-

263(a) shall be in a combined single limit of at least one million dollars (\$1,000,000).

- c. The insurance required by Section 26-263(a) shall encompass all liability insurance requirements imposed for other permits required under other sections of this Code and is to be provided for the benefit of the public and not as a duty, express or implied, to provide insurance protection for spectators or participants. The Event Organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the Special Events Coordinator at least thirty (30) calendar days before the Event, unless the Special Events Coordinator for good cause modifies the filing requirements.
- d. No permit is valid until the applicant shall provide adequate insurance as required by this Section.

Sec. 26-264. Revocation of Special Event Permit.

Any special event permit may be revoked if the City Special Events Coordinator determines:

- 1) that the event cannot be conducted without violating the standards or conditions for special event permit issuance; or,
- 2) the event is being conducted in violation of any condition of the special event permit; or
- 3) the event poses a threat to health or safety; or
- 4) the event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code; or
- 5) the special event permit was issued in error or contrary to law; or
- 6) the facts or assertions in the application have been falsified or misrepresented.

Notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

If there is an emergency requiring immediate revocation of a Special Event Permit, the Special Events Coordinator or the Police Chief or the Fire Chief or their respective designees may notify the permit holder verbally of the revocation and the permit holder shall immediately comply with any order of the Police Chief, Fire Chief or their respective designees.

Sec. 26-265. Cost Recovery for Special Events.

- a. For any special event requiring expenditure of public resources, the City shall charge for the actual cost of:
 - 1) A reasonable fee for city personnel involved in permit processing, event traffic control, fire safety or other facility or event support; and
 - 2) other non-personnel expense;
 - 3) Special Events jointly sponsored by the City are exempt from such charges.
- b. The Special Events Coordinator shall require the payment of fees required pursuant to Section 26-265, or a reasonable estimate thereof at the time the completed application is approved, unless the Special Events Coordinator, for good cause extends time for payment.
- c. If the event organizer fails to comply with Section 26-265, the event organizer will be billed for actual city costs for clean up and repair of the area or route occasioned by the event. If the event organizer failed to comply with a previously issued special event permit, the event organizer shall deposit adequate surety in the form of cash or letter of credit drawn on a local bank.

Sec. 26-266. Commercial special events pay a flat fee.

- a. In addition to cost recovery to be determined by the Special Events Coordinator, an event organizer of a commercial special event using any portion of public property must pay the City any standard fees for such use.
- b. An event organizer of a commercial special event shall make payment for the flat fee no later than thirty (30) calendar days prior the event.

Sec. 26-267. Reserved

Sec. 26-268. Reserved

Sec. 26-269. Enforcement Authority; Restorative Penalties.

The Special Events Coordinator is authorized to administer and enforce the provisions of this Division and may exercise any enforcement powers as set forth in law. Any person violating any provision of this Ordinance shall be subject to a civil penalty in the amount of \$250.00 for the first violation and an additional \$50.00 for each day the violation is not corrected. Penalties under this Ordinance are considered restorative; intended to provide the City with compensation for costs associated with the City's program to monitor, control, prosecute, cure and/or correct the violation. Violations of any other section of the Greensboro Code of Ordinances, State or Local Fire Code, State or Local Building Code or any other rule or regulation may result in the imposition of additional restorative penalties. Any citizen or organization subjected to such penalty shall have the right to appeal to an independent hearing officer by procedures established by the Special Events Coordinator.

Sec. 26-270. Authorized Special Event Vendors.

- a. The issuance of a special event permit does not confer upon the permit holder or event Organizer the right to control and regulate the sale of goods, food and beverages within the special event venue, such sales must comply with the terms and conditions of the special event permit and City and County rules and regulations.
- b. Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by applicable law. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue.
- c. The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Greensboro Code, or other laws, including but not limited to health codes.
- d. The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a special event permit pursuant to this Division. Specifically, existing Exhibition Show Licenses issued under Section 13-88 of the Greensboro Code of Ordinances and existing Peddler and Itinerant Merchant Licenses issued under Section 13-104 of the Greensboro Code of Ordinances are not transferable for use in the Special Event.
- e. It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food or beverages within the Special Event Venue, except in the manner as set forth in the application approved by the Special Events Coordinator.

Sec. 26-271. Strict Liability Offenses.

Violations of this division shall be subject the violator to liability regardless of intent.

Sec. 26-272. Unlawful to Conduct or Promote Attendance at Special Event without Permit

- a. It is unlawful to conduct a special event without a special event permit as required pursuant to this division.
- b. It is unlawful for any person to conduct, promote or manage any special event for which a special event permit has not been issued or revoked.

Sec. 26-273. Unlawful Selling of Tickets to Special Event within Special Event Venue

It is unlawful for any person to sell for profit, or offer to sell for profit, any ticket of admission to a special event within a special event venue, except:

- a. from any ticket office, booth, or other similar place established and maintained for the purpose of selling tickets; and,
- b. with the express authorization of the Special Events Coordinator pursuant to a special event permit.

Sec. 26-274. Unlawful to Display Signs in Special Event Venue Except as Permitted.

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign or banner pertaining to the Special Event unless pre-approved by the Special Events Coordinator, based upon the application and permitting process. The number of signs, sign face size, height, location and duration of display shall be addressed in the application. No sign shall obstruct a sight triangle or be placed within 10 feet of the boundary line of the property serving as the venue.

Sec. 26-275. Unlawful to Interfere with a Permitted Facility Use, Special Event or Demonstration

It shall be unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a demonstration or an event for which a special event permit has been issued.

Sec. 26-276. Cost Recovery for Unlawful Special Event.

Whenever a commercial or non-commercial special event is conducted without a special event permit when one is required, or an event is conducted in violation of the terms of an issued special event permit, or an event exceeds the needs identified in the application, the event organizer shall be responsible for, and the Special Events Coordinator shall charge the event organizer for, all City costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the event, or the violation of the special event permit, upon public safety.

Sec. 26-277 through 26-281 Reserved.

Section 2. That all ordinances in conflict with the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon adoption.

(Signed) Yvonne Johnson

Councilmember Phillips requested that the ordinance be put into a simplified format for citizens' information. Councilmember Gatten requested this format to include a time line chart for the application/permitting process.

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Councilmember Phillips thereupon moved adoption of an ordinance amending Chapter 13 of the

Greensboro Code of Ordinances with respect to License, Taxation, and Miscellaneous Business Regulations- Special Events. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-109 AMENDING CHAPTER 13

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO LICENSE, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 13, Section 13-88 is hereby amended by adding the following new subsection (d);

“(d) the license issued hereunder shall not be transferable for the purpose of a Special Event as defined in Chapter 26 of the Greensboro Code of Ordinances.”

Section 2. That Chapter 13, Section 13-104 is hereby amended by adding the following new subsection (i);

“(i) the license issued hereunder shall not be transferable for the purpose of a Special Event as defined in Chapter 26 of the Greensboro Code of Ordinances”

Section 3. That all ordinances in conflict with the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective upon adoption.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced a resolution accepting funds in support of and establishing funding for Concept and Design Study for Greensboro War Memorial Auditorium Enhancements and so that these matters could be discussed together, an ordinance establishing in the amount of \$35,000 funding for Concept and Design Study for Greensboro War Memorial Auditorium Enhancements.

During discussion about recent malfunction of Heating, Ventilation, Air Conditioning equipment at the War Memorial Auditorium, Deputy City Manager Johnson provided a brief update on the condition of equipment at the War Memorial Auditorium and the current funding source and expense for repairs.

Councilmember Phillips moved adoption of the resolution accepting funds in support of and establishing funding for Concept and Design Study for Greensboro War Memorial Auditorium Enhancements. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

122-05 RESOLUTION ACCEPTING FUNDS IN SUPPORT OF AND ESTABLISHING FUNDING FOR CONCEPT AND DESIGN STUDY FOR GREENSBORO WAR MEMORIAL AUDITORIUM ENHANCEMENTS

WHEREAS, the City of Greensboro wishes to enhance the Greensboro War Memorial Auditorium;

WHEREAS, the City will contract with Rosser International, Inc. in association with Sutton Kennerly, Inc. and Artec Consultants, Inc. for a Concept and Design Study;

WHEREAS, the City deems this to be in the best interest of the City to support this study.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That City Council authorizes acceptance of funds from the Greensboro Symphony Orchestra, United Arts Council and Action Greensboro to participate in funding this study, and;

That Council authorizes the use of Council Contingency funds in the amount of \$10,000 to fund a portion of the study.

(Signed) Thomas M. Phillips

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Councilmember Carmany thereupon moved adoption of an ordinance establishing funding for concept and design study for Greensboro War Memorial Auditorium Enhancements

05-111 ORDINANCE ESTABLISHING FUNDING FOR CONCEPT AND DESIGN STUDY FOR GREENSBORO WAR MEMORIAL AUDITORIUM ENHANCEMENTS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the General Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the General Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0201-01.5413	Consultant Services	\$ <u>35,000</u>
Total		\$ 35,000

and, that this increase be financed by increasing the following General Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0201-01.8620	Donations & Private Contributions	\$ <u>35,000</u>
Total		\$ 35,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sandy Carmany

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Council discussed various recent and future community events of interest.

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After speaking to a recent account of an attack on a citizen by an unleashed dog, Councilmember Bellamy-Small requested staff to see if the ordinance could be strengthened and if police response time could be shortened.

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Councilmember Vaughan moved to appoint Owen Lewis as Chairperson and Jesse “Skip” Warren as Vice Chairperson to the ABC Board for the duration of their terms, which expire 6/30/06 and 6/30/07, respectively.

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Councilmember Vaughan thanked and commended the Manager for developing the proposed budget.

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Councilmember Burroughs-White moved to reappoint Elton Edwards to serve an additional term on the Guilford County Joint Historic Properties Commission; this term will expire 1 April, 2009. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White provided a brief update with regard to her involvement with citizens and City staff to address concerns of the Southside Neighborhood Association with respect to traffic issues. She provided details of an upcoming meeting scheduled with area residents.

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Mayor Holliday added the name of Larsina Johnson to the boards and commissions data bank for consideration for future service on the Greensboro Transit Authority.

The Mayor added the name of Mari Pino del Rosario to the boards and commissions data bank for consideration for future service on the Commission on the Status of Women.

Mayor Holliday added the name of Brenda Cox to the boards and commissions data bank for consideration for future service on the Planning Board and Zoning Commission.

The Mayor added the name of Robert T. Patterson to the boards and commissions data bank for consideration for future service on the Commission on the Status of Women.

The Mayor added the name of Evelyn Miller to the boards and commissions data bank for future consideration for service on the Zoning Commission.

Mayor Holliday added the name of Kenneth Thompson to the boards and commissions data bank for consideration for future service.

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The City Manager presented the schedule of meetings for the current budget process and confirmed the date for Council’s upcoming annual Historical Museum luncheon.

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Councilmember Johnson moved that the meeting be adjourned to closed session for the purpose of discussing economic development incentives and would not reconvene in open session. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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The meeting was adjourned to closed session at 8:10 p.m.

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Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
